

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
6 TO 9 DENTAL TEXAS, PLLC,	§	LEAD CASE NO. 23-51139-CAG
	§	
6 TO 9 DENTAL, PLLC	§	SECOND CASE NO. 23-51140-CAG
	§	
Jointly Administered Debtors.	§	Chapter 11 (Subchapter V)
	§	(Jointly Administered Under
	§	23-51139-CAG

DEBTORS' MOTION TO SET DEADLINES PURSUANT TO INTERIM RULE 3017.2

6 to 9 Dental Texas, PLLC and 6 to 9 Dental (the “**Debtors**”) hereby file this motion (the “**Motion**”) seeking an order from the Court setting deadlines related to the confirmation of the Debtor’s Amended Plan.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b). This Court can hear and determine this matter in accordance with 28 U.S.C. § 157 and the standing order of reference of bankruptcy cases and proceedings in this District. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). The Debtors consent to the entry of a final order by the Court in connection with the Motion.

2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory and legal predicates for the relief requested herein are sections 1181 and 1191 of title 11 of the United States Code (the “**Bankruptcy Code**”) and Rule 2002 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rule 3017.2 of the Local Rules of the United States Bankruptcy Court for the Western District of Texas (the “**Local Rules**”).

BACKGROUND

4. On August 29, 2023 (the “**Petition Date**”), the Debtors each filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code (the “**Bankruptcy Cases**”). The Debtors’ Bankruptcy Cases are proceeding under Sub-Chapter V of Chapter 11.

5. The Debtors are operating their business and managing their property as debtors-in-possession pursuant to Bankruptcy Code sections 1107(a) and 1108. No request for the appointment of a trustee or examiner has been made in these Bankruptcy Cases and no committee has been appointed or designated.

6. On November 15, 2023, the Debtors timely filed their *Consolidated Joint Plan of Reorganization Pursuant to Bankruptcy Code Section 1190* [Doc. No. 111] (the “**Plan**”). The Debtors at that time did not seek to set deadlines related to the Plan in order to allow the Debtors additional time to negotiate with creditors with respect to the Plan.

7. On December 13, 2023, the Debtors filed their *First Amended Consolidated Joint Plan of Reorganization Pursuant to Bankruptcy Code Section 1190* [Doc. No. 114] (the “**Amended Plan**”). The Amended Plan sets forth amendments that the Debtors believe will provide the best opportunity for the Amended Plan to be confirmed on a consensual basis.

RELIEF REQUESTED AND BASES THEREFOR

8. On February 4, 2020, the honorable bankruptcy judges of this district entered the *Standing Order Adopting Interim Bankruptcy Rules Related to the Small Business Reorganization Act of 2019* (the “**Standing Order**”). The Standing Order set forth Interim Local Rule 3017.2 which provides:

In a case under subchapter V of chapter 11 in which § 1125 does not apply the court shall:

- (a) fix a time within which the holders of claims and interests may accept or reject the plan;
- (b) fix a date on which any equity security holder or creditor whose claim is based on a security must be the holder of record of the security in order to be eligible to accept or reject the plan;
- (c) fix a date for the hearing on confirmation; and
- (d) fix a date for the transmission of the plan, notice of the time within which the holders of claims and interest may accept or reject the plan, and notice of the date for the hearing on confirmation.

9. Bankruptcy Code section 1181(b) provides that Bankruptcy Code section 1125 does not apply in Subchapter V cases. Therefore, Interim Local Rule 3017.2 applies in these Bankruptcy Cases.

10. In order to move this matter toward plan confirmation, the Debtors hereby request that the Court enter an order, substantially in the form attached hereto (the “**Proposed Order**”) establishing the dates, deadlines, and procedures contemplated by Interim Local Rule 3017.2 and further set a hearing on confirmation of the Amended Plan on a date that is at least 28 days following entry of the Proposed Order. *See* Bankruptcy Rule 2002(b).

11. Upon entry of the Proposed Order, the Debtors will promptly mail plan ballots and notice of the confirmation hearing to all parties-in-interest to these Bankruptcy Cases.

WHEREFORE, the Debtors request that Court (i) grant the relief sought herein; (ii) enter an order substantially in the form of the Proposed Order, and (iii) grant the Debtors such other and further relief as the Debtors may show themselves justly entitled.

Dated: December 13, 2023

ROSS, SMITH & BINFORD, PC

/s/ Jason Binford

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Counsel to the Debtors

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 13, 2023, he caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Western District of Texas and by first-class U.S. Mail on the parties on the attached Master Service List.

/s/ Jason Binford

Jason B. Binford

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:

6 TO 9 DENTAL TEXAS, PLLC,	§ LEAD CASE NO. 23-51139-CAG
6 TO 9 DENTAL, PLLC	§ SECOND CASE NO. 23-51140-CAG
Jointly Administered Debtors.	§ Chapter 11 (Subchapter V) § (Jointly Administered Under § 23-51139-CAG

**MASTER SERVICE LIST¹
As of December 13, 2023**

Subchapter V Trustee:

Eric Terry
Eric Terry Law, PLLC
3511 Broadway
San Antonio, TX 78209
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Email: james.rose@usdoj.gov

U.S. Trustee:

James W. Rose, Jr.
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San Antonio, TX 78205
Telephone: (210) 472-4640
Fax: (210) 472-4649
E-mail: james.rose@usdoj.gov

Debtors:

6 to 9 Dental Texas, PLLC
2603 SE Military Dr, #103
San Antonio, TX 78223

6 to 9 Dental, PLLC
2603 SE Military Dr, #103
San Antonio, TX 78223

Debtors' Counsel:

Ross Smith & Binford, PC
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Email: jason.binford@rsbfir.com

Ross, Smith & Binford, PC
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Phone: 214-593-4971
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¹ All parties served via U.S. mail except for those parties whose email address is included, who have consented to service via ECF.

Secured Lenders²:

BayFirst National Bank
 c/o Pope, Hardwicke, Christie, Schell, Kelly
 & Taplett, L.L.P.
 Attn: Matthew T. Taplett
 500 West 7th Street, Suite 600
 Fort Worth, Texas 76102
 Email: mtaplett@popehardwicke.com

CT Corporation System
 Attn: SPRS
 330 N Brand Blvd., Ste. 700
 Glendale, CA 91203

FFE Services LLC,
 Attn: Bankruptcy Department
 244 Madison Ave., #379
 New York, NY 10016

First Savings Bank
 c/o Dykema Gossett PLLC
 Attn: Danielle Rushing Behrends
 112 E. Pecan Street, Suite 1800
 San Antonio, Texas 78205
 Telephone: (210) 554-5528
 Facsimile: (210) 226-8395
 E-mail: dbehrends@dykema.com

Fox Capital Group, Inc.
 c/o Lieberman and Klestzick, LLP
 71 S. Central Ave., 2nd Floor
 Valley Stream, NY 11580

Funding Metrics LLC
 c/o Giuliano Law, P.C.
 Attn: Anthony F. Giuliano
 445 Broadhollow Road, Ste. 25
 Melville, NY 11747
 phone - (516) 792-9800
 Email: afg@glpcny.com

Corporation Service Company
 Attn: Bankruptcy Department
 PO Box 2576
 Springfield, IL 62708

Lendini
 Attn: Bankruptcy Department
 3220 Tillman Dr., Ste. 200
 Bensalem, PA 19020

Live Oak Banking Company
 c/o The Padgett Law Group
 Attn: Kim Linden
 546 Silicon Dr., Suite 103
 Southlake, TX 76092
 (850) 422-2520 (telephone)
 (850) 422-2567 (facsimile)
 kim.linden@padgettlawgroup.com

NewCo. Capital Group
 Attn: Bankruptcy Department
 90 Broad Street, Ste. 903
 New York, NY 10004

Regal Capital Inc.
 Attn: Bankruptcy Department
 161 Kings Highway
 Brooklyn, NY 11204

U.S. Small Business Administration
 c/o Steven B. Bass
 Assistant United States Attorney
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 Steven.Bass@usdoj.gov

Zions Bankcorporation, N.A.
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 P.O. Box 27459
 1717 West Loop South, Floor 1
 Houston, TX 77227-7459

² Categories on this list are solely for notice-related administrative purposes and are not an admission as to whether any listed party has a valid, perfected, or enforceable security interest with respect to any of the Debtors' assets.

Other Creditors and Noticed Parties:

Wells Fargo Attn: Bankruptcy Department 420 Montgomery St. San Francisco, CA 94104	NB Utilities Attn: Bankruptcy Department 263 Main Plaza New Braunfels, TX 78130
Buckingham, Doolittle & Burroughs, LLC Dept. 781184 P.O. Box 78000 Detroit, MI 48278-1184	Elevate Healthcare Consultants Attn: Bankruptcy Department 3811 Turtle Creek Blvd., Suite 850 Dallas, TX 75219
Darby Dental Supplies Attn: Bankruptcy Department 300 Jericho Quadrangle Jericho, NY 11753	Mascola Esthetics The Dental Lab Attn: Bankruptcy Department 1904 Grandstand Dr. San Antonio, TX 78238
Champion Glass LLC Attn: Bankruptcy Department 8007 Roosevelt Ave. San Antonio, TX 78210	Bexar County c/o Linebarger, Goggan, Blair & Sampson, LLP Attn: Don Stecker 112 E. Pecan Street, Suite 2200 SAN ANTONIO, TX 78205 Telephone: (210) 225-6763 Facsimile: (210) 225-6410 Email: sanantonio.bankruptcy@lgbs.com
Quill, LLC Attn: Bankruptcy Department PO Box 37600 Philadelphia, PA 19101-0600	The County of Comal, Texas c/o McCreary, Veselka, Bragg & Allen Attn: Julie Anne Parsons P.O. Box 1269 Round Rock, Texas 78680 Telephone: (512) 323-3200 Fax: (512) 323-3205 Email: jparsons@mabalaw.com
Lisa Uthe 3102 Rosalind Way San Antonio, TX 78222	Art and Technology Dental Studio Attn: Bankruptcy Department 306 Richland Hills Dr., Ste. 500 San Antonio, TX 78245
The Padilla Family 2977 Creek Ridge St. Sequin, TX 78155	
Cigna Insurance Attn: Bankruptcy Department 1200 E. Houston St. San Antonio, TX 78202	
Met Life Attn: Bankruptcy Department 200 Park Avenue New York, NY 10166	